

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-17 are currently pending.

Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of United States Patent No. 6,791,958 B2 to Spear et al. Applicants have reviewed the pending claims, Spear and the Office Action and respectfully traverse the rejection. In particular, Applicants respectfully submit that the admitted prior art and Spear do not disclose the claimed limitations of if a calling party is roaming into a first network, determining by a first network a local gateway of the first network and in proximity to a calling party when a calling party roams into the first network, then sending the bearer traffic by the first network to the local gateway and directly routing the bearer traffic from the local gateway to a second network that is in proximity to a called party. Applicants have previously described the claims and the admitted prior art as well as described the patentability of the claims. Those arguments are incorporated here by reference.

The claims avoid tromboning of bearer traffic in a network of a called party by having the new network, i.e. the claimed first network, of the calling party determine a gateway of the new network that directly routes the bearer traffic to the network of the called party. The admitted prior art discloses that a device can roam between 2G and 3G networks. It appears from the Office Action that this fact is being combined with Spear to suggest that the Spear discloses Applicants' claimed gateway in the first network that routes bearer traffic to the second network. Applicant traverses this interpretation of Spear and how it can be combined with the admitted prior art.

Spear is directed to a method of routing control information and bearer traffic in a packet network. When a wireless communication device has established a connection in a coverage area served by an Access Network Controller (ANC) and a Serving Node and roams into an area served by a new ANC and a new Serving Node, the present invention routes control information to and from the device through the anchor Serving Node (Serving Node through which the connection was established). Bearer traffic is routed to

and from the device through the ANC and Serving Node serving the area in which the wireless communication device is located.

The Office Action cites FIG. 2 and column 2, lines 20-54 of Spear to disclose the claimed steps. These sections of Spear, however, do not disclose all the limitations of the claims. As seen in FIG. 2 and is evident from its disclosure, Spear discloses a mobile station roaming in one network and not between a 2G and 3G network. Thus, the combination of Spear the admitted prior art suggest that the mobile station roams within either the 2G network or the 3G network. The knowledge that a mobile station can roam from a 2G network to a 3G network does not have applicability to the claims because Spear only focuses on one network and does not teach how to overcome the difficulties presented when roaming to a second network. As discussed in more detail below, the principles of Spear does not apply to two different networks because each network device, e.g. gateway, can serve the serving nodes of the network. The claims disclose a determining a gateway in a new network and the gateway routing bearer traffic from one network to another network.

The gateway that is disclosed in FIG. 2 serves both the serving nodes. This is supported by Spear when it is stated that the mobile station “roams from a first coverage area into a new coverage area serviced by a new serving node, second serving node, all control and bearer traffic from and to the mobile station for the existing connection is routed through the new serving node. However, since the second serving node did not establish the connection, it must obtain information about the MS from the first serving node.” See column 1, lines 39-47. Moreover, Spear describes movement of a mobile station between coverage areas, i.e. between base sites, within a single technology during an active call. In the claims, the mobile station must establish a connection with the gateway because it is a part of a new network. And the gateway routes bearer traffic from the first network to a second network.

As is evident by the claims, the claimed gateway is in the network in which the calling party has roamed. From this gateway, the bearer traffic is routed into the second network in which the called party is located. The gateway disclosed by Spear serves both the first and second serving nodes. Thus, Spear is not disclosing the claimed gateway. Moreover, Spear is not disclosing the gateway in a first network routing bearer traffic to a

second network. Spear merely discloses a gateway routing bearer traffic within the same network.

In addition, Spear does not disclose that the routing of data through the gateway is between a calling party and a called party. Spear discloses roaming of a mobile station from one serving node to a second serving node in the same network. The routing of the bearer traffic through the disclosed gateway is for the same mobile station. There is no checking with Spear if the called party is in a network using different technology during connection setup, such as calling from a 3G network to a 2G network. In paragraphs 5-10 of the Office Action, it is stated that Spear discloses the called party. Spear, however, discloses the ANC determines if the signaling and bearer paths must be split. There is no concept of calling and called parties. Moreover, Spear discloses only one mobile station.

In sum, Applicants respectfully submit that the admitted prior art and Spear do not disclose the gateway in the first network that routes bearer traffic to second network. Moreover, the admitted prior art and Spear disclose the routing bearer traffic from a calling party to called party. In view of the foregoing, it is respectfully submitted that the cited combination of the admitted prior art and Spear does not disclose, teach or suggest the limitations as required by independent claims 1 and 9. Applicants therefore respectfully submit that amended independent claims 1 and 9 are patentable over the cited combination. As claims 2-8 depend on claim 1 and claims 10-17 depend on claim 9, Applicants submit that these dependent claims are patentable for the same reasons. Applicants request that the rejection under Section 103(a) be withdrawn.

As Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

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Xenakis et al.
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Please charge any fees associated herewith, including extension of time fees, to
50-2117.

Respectfully submitted,
Xenakis, George, et al.

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